

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5563
Kirk Shelmerdine Racing, LLC)

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on June 07, 2005, the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 6-0 to:

Find no reason to believe that Kirk Shelmerdine Racing, LLC violated 2 U.S.C. § 441d.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

2. Failed by a vote of 2-4 to pass a motion to:

a) Find no reason to believe that Kirk Shelmerdine Racing, LLC violated 2 U.S.C. § 434(c) and (g).

b) Find no reason to believe that Kirk Shelmerdine Racing, LLC violated 2 U.S.C. § 441b(a).

Commissioners Smith and Toner voted affirmatively for the motion.

Commissioners Mason, McDonald, Thomas, and Weintraub dissented.

3. Decided by a vote of 4-2 to:

a) Find reason to believe that Kirk Shelmerdine Racing, LLC violated 2 U.S.C. § 434(c) and (g).

b) Find no reason to believe that Kirk Shelmerdine Racing, LLC violated 2 U.S.C. § 441b(a).

26044151473

c)

d) Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report dated May 12, 2005; subject to insertion of the words "reason to believe" after the word "finds" at Attachment 2, Page 1, Line 6.

e) Approve the appropriate letters.

Commissioners Mason, McDonald, Thomas, and Weintraub voted affirmatively for the decision. Commissioners Smith and Toner dissented.

Attest:

June 8, 2005
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

26044151474